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Assistant Commissioner for Patents, Washington, D.C. 20231, on December 21, 1999.

Denise Lade

Denise Lade



In the application of:

Helena P. Selawry and Don Frank
Cameron

Serial No.: 08/747,122

Filing Date: November 8, 1996

For: METHODS OF TREATING DISEASE
USING SERTOLI CELLS AND
ALLOGRAFTS OR XENOGRAFTS

Examiner: C. Delacroix-Muirheid

Group Art Unit: 1654

**DECLARATION OF DENISE LADE
UNDER 37 C.F.R. § 1.47(a)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Denise Lade, do declare that:

1. I make this Declaration in support of a Petition under 37 C.F.R. §1.47(a) filed in connection with the above-identified application concurrently herewith, and pursuant to Section 409.03(d) of the Manual of Patent Examining Procedure, in order to relate the circumstances under which one of the inventors of the above-identified application, Dr. Helen P. Selawry, whose last known home address is 386 Beahm Lane, Rileyville, Virginia 22650, refused to sign a

Substitute Declaration for Utility Patent Application for the application. Co-inventor Dr. Don F. Cameron did execute such Declaration.

2. I am associated with the firm Morrison & Foerster and am based in its Palo Alto office.

3. On November 10, 1998, a Substitute Declaration for Utility Patent Application and Assignment for the application was sent to Dr. Selawry via Certified Mail requesting her signature on the Substitute Declaration for Utility Patent Application and Assignment. The cover letter indicated that the Substitute Declaration for Utility Patent Application was needed to complete the priority claim to subsequent related application. The Assignment was needed because one was never submitted. (Copy of the cover letter is attached hereto as Exhibit A.)

4. On November 16, 1998, Dr. Selawry signed the certified mail receipt indicating delivery of the Substitute Declaration for Utility Patent Application and Assignment. The return receipt was mailed back to Morrison & Foerster (a copy of the return receipt for certified mail is attached hereto as Exhibit B).

5. As of December 21, 1999, Morrison & Foerster have not yet received back the executed Substitute Declaration for Utility Patent Application or the Assignment. Upon receiving no response to date, I conclude that Dr. Selawry refuses to execute the Substitute Declaration for Utility Patent Application as well as the Assignment.

6. I declare further that all statements made in this Declaration are of my knowledge and are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date December 21, 1999

Denise Lade

Denise Lade

MORRISON & FOERSTER LLP

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November 10, 1998

Writer's Direct Dial Number
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By Certified Mail/Return Receipt
Z 397 830 600 and Z 397 830 601

Helena P. Selawry, M.D., Ph.D.
386 Beahm Lane
Rileyville, VA 22650

Don F. Cameron, Ph.D.
Associate Professor of Anatomy
University of South Florida
College of Medicine
12901 North 30th Street
Tampa, FL 33612

Re: U.S. Patent Application No. 08/747,122
Title: METHODS OF TREATING DISEASE USING SERTOLI
CELLS AND ALLOGRAFTS OR XENOGRAFTS
By: Helena P. Selawry and Don Frank Cameron
Our reference: 39880-20003.21

Dear Dr. Selawry and Dr. Cameron:

Please note that the above-referenced patent application has been transferred to our offices, from Pennie & Edmonds, LLP, for continued prosecution.

In reviewing the file history, we note that a complete priority claim to subsequent related applications was not made. We also note that an Assignment was never forwarded to you, or Dr. Selawry. We are enclosing herewith, a substitute declaration referencing International Application No. PCT/US94/04044 and U.S. Application No. 08/421,641 (now U.S. Patent No. 5,725,854), as well as an Assignment document. At your earliest convenience, please sign and date the Substitute Declaration and Assignment, and return them to our offices for filing with the U.S. Patent and Trademark Office.

MORRISON & FOERSTER LLP

Helena P. Selawry, M.D., Ph.D.
Don F. Cameron, Ph.D.
November 10, 1998
Page Two

If you have any questions regarding the enclosed documents, please let me know.

Very truly yours,



Gladys H. Monroy

Enclosures

cc: Richard C. Allen, Theracell, Inc.
 Lawrence Oremland, University of South Florida

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